

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MICHAEL URBINO, on behalf of himself and all others similarly situated,

Plaintiff,

v.

AMBIT ENERGY, L.P., AMBIT TEXAS, LLC, and AMBIT NORTHEAST d/b/a AMBIT ENERGY,

Defendants.

Civil Action No. 3:14-cv-05184-MAS-DEA

**Jury Trial Demanded**

**DEFENDANTS' RESPONSE TO PLAINTIFF'S REQUEST FOR EXTENSION OF TIME TO AMEND COMPLAINT**

Plaintiff has asked Defendants to voluntarily withdraw their pending Motion to Dismiss and to “consent” to the filing of some unspecified Amended Complaint any time within the next 30 days. See Exhibit A.

Pursuant to Federal Rule 15(a)(2), since more than 21 days have passed since Defendants filed their Motion to Dismiss, all amendments to the current Complaint require consent of the Defendants or leave of Court. See Fed. R. Civ. P. 15(a)(2). Under Local Civil Rule 7.1(f), a motion for leave to amend the Complaint must be accompanied by the proposed Amended Complaint. See L. Civ. R. 7.1(f) (“Upon filing of a motion for leave to file an amended complaint . . . the moving party shall attach to the motion a copy of the proposed pleading or amendments and retain the original until the Court has ruled.”).

In order to determine whether they will oppose the filing of the Amended Complaint, Defendants simply asked Plaintiff to provide the proposed Amended Complaint, which Plaintiff must have ready anyway before seeking leave of Court under Local Civil Rule 7.1(f). Plaintiff has not yet provided the proposed Amended Complaint to the Court or Defendants. Defendants do not have a position on the motion for leave until they have an opportunity to see the

proposed Amended Complaint. Once Plaintiff provides the proposed Amended Complaint, Defendants will promptly advise Plaintiff whether they oppose the filing of the Amended Complaint.

Accordingly, the Court should deny Plaintiff's Request for Extension of Time to Amend Complaint, without prejudice to Plaintiff's right to file a motion for leave that complies with Federal Rule of Civil Procedure 15(a)(2) and Local Civil Rule 7.1(f).

Respectfully Submitted,

*s/ Joanna J. Cline*

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November 18, 2014

*s/ Stephen C. Rasch*

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